

### Remarks

Claim 4 is cancelled and claims 1, 2, 5, 12 and 17 are amended. Claims 19 to 21 are added. Claims 1 to 3 and 5 to 21 are pending in this application of which claims 1 and 19 are in independent form.

Claims 1 to 18 were rejected under 35 USC 102(b) as being anticipated by Everts et al (Everts). The following will show that claim 1, as amended, patentably distinguishes the applicants' invention over this reference.

The applicants' invention is directed to a portable work apparatus having a frame which extends in the longitudinal direction of the work apparatus. At one end of the frame, a drive motor as well as a work tool are supported and, at the opposite lying end, a handle is supported.

In contrast to the applicants' invention, Everts is directed to a work apparatus having a housing 14 wherein the housing is movable over the ground with two wheels. The housing 14 has an opening in which the motor 28 and the work tool, which is fixed on the motor housing, are rotatably secured (see column 3, lines 1 to 3). The knob 58 only functions to fix the work tool at a desired angle to the housing (see column 4, lines 23 to 27). The work tool and the motor are therefore not at the end of the housing facing away from the handle; instead, the work tool and the motor are fixed in a region between the wheels and the handle in the opening. The work tool disclosed in Everts therefore differs already in its basic configuration from the work

apparatus of the invention.

Because of the different configuration, the requirements on the handle are different. In the work apparatus of Everts, the weight of the motor and the work tool are essentially taken up by the two large wheels 18.

Claim 1 is amended herein to more carefully distinguish the applicants' invention over Everts and now includes the feature and limitation that the work apparatus of the invention provides for two handles on two handle tubes, respectively, which are arranged symmetrically.

In Everts, only one closed handle tube is provided which is always ahead of the torso of the operator so that the operator must always push the apparatus from behind the apparatus.

In contrast, the applicants' invention provides for two handle tubes arranged symmetrically to each other and two handles supported by corresponding ones of the handle tubes. This feature and limitation is set forth in claim 1 with the clause:

"said handle unit including two  
handles and two symmetrically configured  
handle tubes;

said two handles being mounted on  
respective ones of said handle tubes and  
being separate from each other;"

With this configuration, the operator can hold the handles laterally from the body or at a small distance ahead of the body. In this way, an ergonomic work position is achieved wherein the operator can work without becoming fatigued.

There is no suggestion whatsoever in Everts which would enable our person of ordinary skill to arrive at a configuration having two symmetrically arranged handle tubes. There is also no

suggestion in this reference which would enable our artisan to arrive at an ergonomic mounting of two handles in the context of a hand-guided work apparatus.

In view of the foregoing, applicants respectfully submit that claim 1 should now patentably distinguish the invention over Everts and be allowable. Claims 2, 3 and 5 to 18 are all dependent from claim 1 so that these claims too should now be allowable.

Claims 19 to 21 are added to provide additional definitions of the invention and incorporate all the features and limitations of claim 1 plus additional features so that these claims too should now be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Walter Ottesen". The signature is fluid and cursive, with the first name "Walter" and last name "Ottesen" clearly distinguishable.

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